

**Formal Complaint to the Washington State Public Disclosure Commission  
Relating to an Elected Official or Candidate for Public Office**

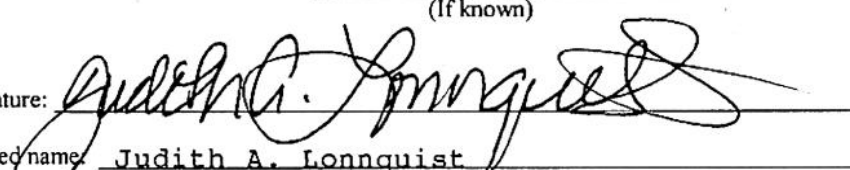
Name of Official or Candidate: Randy Dorn

Address of Official or Candidate: P.O. Box 906, Auburn, WA 98071-0906

Official's or Candidate's Auburn WA 98071-0906  
City State Zip Code

Official's or Candidate's Telephone: 253.833.9253  
(Include Area Code)

Official's or Candidate's E-Mail Address: info@randydorn2008.com  
(If known)

Your signature:  \_\_\_\_\_

Your printed name: Judith A. Lonnquist

Street address: 1218 Third Avenue, Suite 1500

City, state and zip code: Seattle, WA 98101

Telephone number: 206.622.2086

E-Mail Address: (Optional) LOJAL@aol.com

Date Signed: August 15, 2008

Place Signed (City and County): Seattle, King  
City County

**Complaint: (Attach Complaint and Certification)**

**Certification for a  
Complaint to the Washington State Public Disclosure Commission Relating to an  
Elected Official or Candidate for Public Office  
(Notary Not Required)**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: Judith A. Lonnquist

Your printed name: Judith A. Lonnquist

Street address: 1218 Third Avenue, Suite 1500

City, state and zip code: Seattle, WA 98101

Telephone number: 206.622.2086

E-Mail Address: (Optional) LOJAL@aol.com

Date Signed: August 15, 2008

Place Signed (City and County): Seattle King  
City County

\*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

**COMPLAINT ATTACHED**

LAW OFFICES OF  
JUDITH A. LONNQUIST, P.S.

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SEATTLE, WA 98101-3021  
TEL 206.622.2086 FAX 206.233.9165  
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JUDITH A. LONNQUIST\*  
WENDY L. LILLIEDOLL\*\*

\* ALSO ADMITTED IN ILLINOIS  
\*\* ALSO ADMITTED IN CALIFORNIA

MITCHELL A. RIESE, OF COUNSEL

August 11, 2008

Public Disclosure Commission  
711 Capitol Way #206  
PO Box 40908  
Olympia, WA 98504-0908

Re: Complaint against Candidate Randy Dorn

Dear Gentilepersons:

On behalf the Terry Bergeson Campaign, I hereby file a formal complaint against Randy Dorn, candidate for Superintendent of Public Instruction, as itemized below. We believe that there is mounting evidence of unlawful and inappropriate use of the Public School Employees (PSE) Union's resources to support the candidacy of Randy Dorn. We further believe that recent independent expenditures attacking Terry Bergeson and promoting Dorn by the powerful Service Employees International Union (SEIU) were coordinated with the Dorn campaign and are unlawful under current PDC rules. The PDC should halt these coordinated expenditures, require the Dorn Campaign to pay the full market value of the expenditures, and take other appropriate action to require the Dorn Campaign to cease and desist from its unlawful practices.

**The Dorn Coordination of the "Citizens for Washington" Radio Ads.** The Dorn Campaign and the SEIU front organization Citizens for Washington (CfW) placed radio ad buys with the SEIU purchasing ads only in the Seattle market and the Dorn campaign placing ads only in Eastern Washington. This is *prima facie* evidence of coordination. Please see the attached radio buy schedule.

**Earmarked Funds.** Earmarking funds for a particular race is unlawful. Yet CfW appears to have been created solely for the purpose of defeating Terry Bergeson and electing Randy Dorn. If the officers of CfW made any assurances that the PAC would support only Dorn they are in violation of the law. If SEIU contributes with the understanding that the fund could be used solely for Dorn they too are in violation of the law. The evident earmarking of funds is *prima facie* evidence of unlawful coordination.

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**The SEIU International and all of its locals are agents of the Dorn Campaign and cannot make any independent expenditure on his behalf.** Washington State's limitations on independent expenditures, together with PDC's rules, make it impossible for the SEIU International to make an independent expenditure on behalf of Dorn because, by virtue of the actions of their local affiliates and the Dorn Campaign, the SEIU is an agent of the Dorn Campaign. On May 30, 2008, the PSE, an affiliate of the SEIU, made a \$1,570.25 expenditure for a fundraising mailing on Dorn's behalf. (This in-kind contribution was in violation of the law; see *infra*.).

Under WAC 390-05-190, this expenditure made the PSE an agent of the Dorn Campaign, barring it from making an independent expenditure. The Dorn Campaign has relied on the resources of the PSE to fund, manage and coordinate their campaign to an unusual and unlawful degree. Dorn offices are located in the PSE building. Dorn's campaign consultant works for the PSE as a consultant. Dorn currently is the chief administrator of the PSE, a fulltime employee of the PSE, and yet appears to be campaigning full time, without taking leave from his job at PSE. Together these factors make it impossible for the PSE to operate independently of Dorn or his campaign.

Under WAC 390-16-309, the legal status of a local affiliate is shared with the parent organization. Therefore when the PSE became an agent of the Dorn Campaign, its affiliated International Union (SEIU) and all of its subordinate units lost the ability to engage in independent expenditure. The Dorn campaign and Dorn personally should be held financially responsible to refund the unlawful contribution to his campaign.

**Many contributions to the Dorn Campaign could be unlawful.** At last report nearly \$8,000 of contributions to the Dorn campaign were made by SEIU affiliates beyond the initial \$1,600 from PSE. Under WAC 390-16-309, any contribution by an SEIU affiliate to the Dorn Campaign made after the date that the SEIU first discussed making an independent expenditure on Dorn's behalf are prohibited. Of course, it is impossible to know this date without a thorough investigation by the PDC. We ask that the PDC determine this date and act accordingly.

**Dorn has violated contribution limits.** On May 20, 2008, PSE made a \$1,600 primary election contribution to the Dorn Campaign. Ten days later Dorn reported that PSE made an in-kind contribution of a fundraising mailing valued at \$1,570.25 (noted above). Together this brings PSE's primary election contributions to \$3,170.25, above the limit established by law.

**More questions about coordination:** 1) How did a union headquartered in Washington D.C. learn about a down ballot race like SPI in Washington State? If the answer is that *anyone* at PSE urged them to participate in this election, then a violation has taken place. Since PSE is, as previously noted, an agent of the Dorn Campaign and thus cannot act independently of the campaign, requesting SEIU to make an "independent" expenditure violates the law. If any local SEIU affiliate made this request then that also constitutes unlawful coordination because of the affiliate rule. Someone at sometime began the process of making this independent expenditure.

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The PDC must determine who that person is and when that took place. 2) How did SEIU recruit the officers of their front group Citizens for Washington? If the Dorn Campaign, PSE or any SEIU local identified these people, then this is additional proof of unlawful coordination.

**Dorn appears to have turned the PSE into an arm of his campaign.** Randy Dorn appears to have used his position of leadership in the PSE to convert the organization into an arm of his campaign. This may engender several violations of the law. As noted above, Dorn appears to be campaigning full time and yet has taken no leave from the PSE. If PSE is effectively paying Dorn to campaign for OSPI, it would constitute a contribution and therefore be subject to contribution limits.

Dorn is using PSE space for his office. While reporting three months rent, the Dorn Campaign has been in operation for more than three months. Further, the possibility exists that the market value of the office space and associated other services provided by PSE exceeds the declared \$420 per month being reported by Dorn. This may also constitute an unlawful contribution to the Dorn Campaign.

As time is of the essence, and the primary only a week away, we respectfully request that PDC begin an immediate investigation of these issues and act promptly to stop the Dorn campaign from continuing to violate the Public Disclosure Act.

Sincerely,



Judith A. Lonnquist  
Attorney for Terry Bergeson Campaign

JAL/lj  
Enclosure